

Message Text

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ACTION EA-10

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FM AMEMBASSY SINGAPORE

TO SECSTATE WASHDC 1614

INFO AMEMBASSY KUALA LUMPUR

C O N F I D E N T I A L SECTION 1 OF 2 SINGAPORE 4803

E.O. 11652: GDS

TAGS: PINT, SOPN, SN

SUBJ: NEWSWEEK PROBLEM IN SINGAPORE

REF: SINGAPORE 4655

1. NEWSWEEK STRINGER PANG CHANG LIAN AND TWO OTHER DEFENDENTS RECEIVED LIGHT FINES AFTER BEING FOUND GUILTY OF CONTEMPT OF COURT IN CONNECTION WITH A HIGHLY CRITICAL ARTICLE ON SINGAPORE JUSTICE PUBLISHED IN NEWSWEEK. THE COURT SAID THAT NEXT TIME THE SENTENCE WOULD NOT BE SO LENIENT AND WARNED ALL PART-TIME STRINGERS AND CORRESPONDENTS TO BE EXTREMELY CAREFUL IN SENDING OUT INFORMATION TO FOREIGN PUBLICATIONS. MS. KATHERINE GRAHAM, OWNER OF THE WASHINGTON

POST AND NEWSWEEK, HAD TAKEN A PERSONAL INTEREST IN THE CASE AND ATTEMPTED TO INTERCEDE WITH THE PRIME MINISTER. THE NEWSWEEK HONG KONG REPRESENTATIVE ADVISED THE CHARGE THAT THE HOME OFFICE IN NEW YORK WOULD BE RELATIVELY CONTENT WITH THE RESULT. THE PRINCIPAL EFFECT OF THE CASE WILL BE TO MAKE ALL MEDIA PEOPLE IN SINGAPORE

EVEN MORE CAUTIOUS AND SELF-CESORING THAN THEY ARE ALREADY.
END SUMMARY.

2. CHIEF JUSTICE WEE CHONG JIN PRESIDED OVER CONTEMPT HEARING ON NOV 29 AGAINST NEWSWEEK STRINGER, PANG CHENG LIAN, AND TWO LOCAL DISTRIBUTORS. FOLLOWING CONCLUSION OF ORAL SUBMISSIONS BY COUNSEL, THE CHIEF JUSTICE PROMPTLY FOUND ALL THREE DEFENDENTS GUILTY OF
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CONTEMPT OF COURT. ON NOV 30 HE HANDED DOWN LIGHT FINES BUT NO JAIL

SENTENCES: S\$1500 AGAINST PANG CHENG LIAN; S\$1000 AGAINST CIRCULATION MANAGER SANTHANAM AND; S\$500 AGAINST DASARATHA RAJ.

3. THE CHIEF JUSTICE SAID THE CONTENTS OF THE NEWSWEEK ARTICLE WERE PATENTLY IN CONTEMPT OF COURT AND "SCANDALOUS" NOT ONLY TO THE COURTS BUT ALSO TO THE WHOLE SYSTEM OF ADMINISTRATION OF JUSTICE. BEFORE ANNOUNCING THE FINES, THE CHIEF JUSTICE SAID THAT IT WAS PANG CHENG LIAN'S SOLE RESPONSIBILITY TO PROVIDE ACCURATE AND COMPLETE INFORMATION, ESPECIALLY TO INTERNATIONAL MAGAZINES HAVING MASS DISTRIBUTION. HE SAID THAT THE SENTENCES IN THIS CASE WERE LIGHT, BUT WARNED THAT NEXT TIME THE COURT WOULD NOT BE SO LENIENT AND THAT ALL PART-TIME STRINGERS AND CORRESPONDENTS WOULD HAVE TO BE EXTREMELY CAREFUL IN THE FUTURE IN SENDING OUT INFORMATION TO FOREIGN PUBLICATIONS AND MAGAZINES.

4. AT THE OPENING OF THE HEARING ATTORNEY GENERAL TAN BOON TEIK MOVED THE COURT TO ISSUE ORDERS THAT MISS PANG AND TWO OTHER DEFENDENTS "DO STAND COMMITTED TO PRISON" IN RELATION TO THE "SEVERAL CONTEMPTS" IN THE ARTICLE. TAN EMPHASIZED THAT COURT JUDGEMENTS COULD BE LEGITIMATELY CRITICIZED, BUT THAT IN THE PRESENT CASE THE NEWSWEEK ARTICLE CONTAINED "SEVERAL CONTEMPTS" WHICH HAD BEEN MADE SCURRILOUSLY. THE ATTORNEY GENERAL SAID HE DID NOT DISPUTE THAT MISS PANG HERSELF WAS NOT THE ACTUAL AUTHOR OF THE NEWSWEEK ARTICLE; HOWEVER, SHE SUPPLIED THE "OBJECTIONABLE" MATERIAL ON WHICH THE NEWSWEEK ARTICLE WAS BASED. SHE WAS NOT JUST AN "INNOCENT REPORTER", BUT A PARTY TO AND ACCESSORY BEFORE THE FACT TO THE COMMISSION OF THE OFFENSE.

5. TAN ARGUED THAT PANG'S INTENTION TO COMMIT THE OFFENSE COULD BE INFERRED FROM THE CABLES SHE SENT TO NEWSWEEK WHICH SUPPLIED FALSE AND MISLEADING INFORMATION CONCERNING TWO EARLIER CASES WHICH ENABLED NEWSWEEK TO ATTACK THE ALLEGED PARTIALITY OF THE HIGH COURT. HE SAID NEITHER CASE WAS ANALOGOUS TO THE RECENT WORKERS' PARTY LIBEL SUIT. ONE CASE INVOLVED A FORMER SUIT BY THE PRIME MINISTER IN WHICH LIABILITY WAS ADMITTED AND ONLY THE QUESTION OF DAMAGES WAS AT ISSUE. THE OTHER CASE WAS NOT A CIVIL CLAIM FOR DAMAGES, BUT A CRIMINAL PROSECUTION FOR INCITING VIOLENCE. TAN SUBMITTED THAT MISS PANG MUST HAVE INTENDED THAT NEWSWEEK DRAW COMPARISONS BETWEEN THOSE CASES AND THE WORKERS' PARTY LIBEL SUIT, OTHERWISE

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THERE WOULD HAVE BEEN NO POINT IN REFERRING TO THEM. FURTHERMORE, HE SAID HER INTENTION MUST HAVE BEEN "TO INVITE THE EDITORS TO DRAW AN INVIDIOUS COMPARISON ON THE MANNER IN WHICH DIFFERENT PLAINTIFFS IN SO-CALLED SIMILAR CAUSES OF ACTION HAVE BEEN TREATED IN COURT."

6. COUNSEL FOR MISS PANG, DR. THIO SU MEIN, REFERRED TO MISS PANG'S AFFIDAVIT WHICH SAID THAT IF THE COURT SHOULD RULE THAT THE SENDING OF A FACTUAL REPORT LEADING TO THE PUBLICATION OF AN ARTICLE SCAN-

DALIZING THE COURTS RENDER HER VICARIOUSLY LIABLE FOR CONTEMPT OF COURT, SHE SINCERELY AND HUMBL Y TENDERED HER APOLOGY FOR THIS INADVERTANT CONTEMPT. DR. THIO CONTENTED THAT THE CABLES SENT BY MISS PANG TO NEWSWEEK CONTAINED ONLY BACKGROUND INFORMATION AND DID NOT RENDER HER LIABLE FOR CONTEMPT. THIO ARGUED THAT IT WAS A JOURNALIST'S FUNCTION TO GIVE SUCH INFORMATION, AND THAT ALL THREE CASES HAD A COMMON DENOMINATOR SINCE THEY AROSE OUT OF THE 1972 GENERAL ELECTIONS.

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TO SECSTATE WASHDC 1615

INFO AMEMBASSY KUALA LUMPUR

C O N F I D E N T I A L SECTION 2 OF 2 SINGAPORE 4803

7. WHEN CHIEF JUSTICE POINTED TO THE DISSIMILARITIES BETWEEN THESE CASES AND THE WORKERS' PARTY DEFAMATION SUIT, THIO EXPLAINED THAT MISS PANG WAS LAYMAN AND WAS NOT EXPECTED TO BE ABLE TO MAKE FINE LEGAL DISTINCTIONS. THE CHIEF JUSTICE REPLIED THAT IN VIEW OF HER LACK OF TRAINING MISS PANG SHOULD HAVE BEEN ALL THE MORE CAREFUL IN SELECTING PAST CASES.

8. COUNSEL FOR THE OTHER DEFENDENTS (DISTRIBUTORS OF NEWSWEEK) PRESENTED THEIR CLIENTS' APOLOGIES AND SAID THEY HAD NOT READ THE NEWSWEEK COPIES BEFORE DISTRIBUTING THEM. COUNSEL FOR DASARATHA RAJ SAID THAT WHEN HIS CLIENT REALIZED UPON BEING INTERVIEWED BY THE POLICE THAT THE ISSUE AS "TOO HOT TO HANDLE", HE TOOK IMMEDIATE STEPS TO WITHDRAW ALL COPIES FROM SHOPS AND NEWS VENDORS.

9. SEVERAL DAYS BEFORE CONTEMPT HEARING, SIDNEY LIU REPRESENTING THE HONG KONG OFFICE OF NEWSWEEK CALLED ON THE CHARGE TO REVIEW THE CASE. LIEU IS AN OLD FRIEND OF THE

PRIME MINISTER'S PRESS SECRETARY LI VEI-CHEN AND HAD BEEN SENT TO SINGAPORE BY NEWSWEEK TO SEE WHAT HE COULD DO TO ASSIST PANG AND THE OTHER DEFENDENTS. HE SAID KATHERINE GRAHAM, PRINCIPAL OWNER OF WASHINGTON POST AND NEWSWEEK, HAD TAKEN PERSONAL CHARGE OF PANG'S CASE, AND HAD TRIED UNSUCCESSFULLY TO INTERCEDE WITH PRIME MINISTER. HOWEVER, WHEN SHE COULD NOT REACH P.M. LEE BY TELEPHONE FROM THE US, SHE HAD TALKED TO LI VEI CHEN, ACCORDING TO LIU MS. GRAHAM TOLD
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LI THAT SHE INTENDED TO HANDLE THE CASE DISCREETLY AND FLEXIBLY, BUT ALSO FIRMLY. SHE SAID THT SINCE THE ATTORNEY GENERAL HAD INITIATED THE PROCEEDINGS, HE BELIEVED THE GOVERNMENT COULD WITHDRAW THEM AND ASKED THAT THE CHARGES BE DROPPED. AFTER CHECKING WITH THE PRIME MINISTER, LI SENT MS. GRAHAM A MESSAGE THROUGH AMBASSADOR MONTEIRO ADVISING THAT THE GOVERNMENT COULD NOT INTERFERE SINCE THE CASE WAS BEFORE THE COURT.

10. THE DAY BEFORE THE CONTEMPT HEARING LIU WAS QUITE OPTIMISTIC ABOUT THE OUTCOME. HE THOUGHT THE CHARGES EITHER WOULD BE DROPPED OR THAT THERE WOULD BE ONLY A MOMINAL FINE. HIS OPTINISM WAS BASED ON A LENGTHY DINNER CONVERSATION WITH LI VEI CHEN ON NOV 26. LEU SAID HE USED THIS OCCASION TO POINT OUT TO LI THAT IF THE GOS TOOK STRONG ACTION AGAINST NEWSWEEK AND PUT ITS STRINGER IN JAIL, NEWSWEEK WOULD NOT BE ABLE TO OPERATE IN SINGAPORE AND WOULD HAVE NO ALTERNATIVE BUT TO COVER SINGAPORE DEVELOPMENTS FROM KUALA LUMPUR. LIU TOLD I THAT NEWSWEEK WOULD HAVE TO INSIST ON THREE POINTS:
(A) THAT PANG NOT BE SENT TO JAIL, (B) THAT IF FOUND GUILTY HER OFFENSE NOT BE ENTERED AS A MATTER OF CRIMINAL RECORD, AND (C) ONCE THE CASE WAS CONCLUDED, PANG BE ALLOWED TO CONTINUE AS NEWSWEEK STRINGER IN SINGAPORE. ALTHOUGH LI MADE NO COMMITMENT, LIU SAID HE MADE ENCOURAGING RESPONSES TO ALL THREE POINTS.

11. FOLLOWING CHIEF JUSTICE'S DECISION, LIU CALLED CHARGE TO SAY HE WAS QUITE PLEASED WITH THE DECISION. THE FINES WERE QUITE LIGHT AND THERE WOULD BE NO CRIMINAL RECORD. HE SAID NEWSWEEK WOULD PAY THE FINES AND THE LEGAL COSTS, AND THOUGHT THAT MS. GRAHAM AND NEWSWEEK'S HIERACHY IN NEW YORK WOULD BE RELATIVELY COTENT WITH DECISION.

12. COMMENT: THE PRINCIPAL EFFECT OF THE GOVERNMENT'S ACTION IN THIS CASE AND THE COURT'S DECISION WILL BE TO MAKE ALL MEDIA PEOPLE IN SINGAPORE EVEN MORE CAUTIOUS AND SELF-CENSORING THAN THEY ARE ALREADY. THE CASE ALSO PROVIDED THE GOVERNMENT WITH AN EXCELLENT OPPORTUNITY TO PUBLICIZE AN "EXAMPLE" OF FOREIGN MINISTER RAJARATNAM'S RECENT ALLEGATIONS THAT ELEMENTS OF THE WESTERN PRESS WERE ENDEAVORING TO UNDERMINE SINGAPORE. THERE IS CONSIDERABLE SYMPATHY AMONG UNIVERSITY FACULTY, YOUNG PROFESSIONALS AND STUDENTS FOR PANG CHENG LIAN AND A FEELING THAT THE

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GOVERNMENT REACTED TOO STRONGLY AGAINST HER. THERE IS LESS
SYMPATHY FOR NEWSWEEK. FORMER OPPOSITION LEADER AND
DISTINGUISHED LAWYER, DAVID MARSHALL, ADVISED THE CHARGE THAT
THE NEWSWEEK ARTICLE WAS MOST UNFORTUNATE AND WOULD MAKE IT
EVEN MORE DIFFICULT TO DEVELOP AN INDEPENDENT JUDICIARY.
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